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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO LEYVA,

Defendant.

CASE NO. 2:24-MJ-00143 AC

STIPULATION FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUSION OF TIME

DATE: November 27, 2024
TIME: 2:00 p.m.
COURT: Hon. Jeremy D. Peterson

Plaintiff United States of America, by and through its attorney of record, Special Assistant United States Attorney MATTHEW DE MOURA, and defendant ROBERTO LEYVA, individually and by and through his counsel of record, SHELBY ALBERTS, hereby stipulate as follows:

1. The Complaint in this case was filed on November 12, 2024, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on November 13, 2024. The court set a preliminary hearing date of November 27, 2024.

2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date to December 18, 2024 2024, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of the case. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases. Therefore, the parties request that the time between November 27, 2024, and December 18, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

IT IS SO STIPULATED.

Dated: November 22, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ MATTHEW DE MOURA
MATTHEW DE MOURA
Special Assistant United States
Attorney

Dated: November 22, 2024

/s/ SHELBY ALBERTS
SHELBY ALBERTS
Counsel for Defendant
ROBERTO LEYVA

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UNITED STATES OF AMERICA,

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v.

ROBERTO LEYVA,

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CASE NO. 2:24-MJ-00143 AC

[MODIFIED] FINDINGS AND ORDER
EXTENDING TIME FOR PRELIMINARY
HEARING PURSUANT TO RULE 5.1(d) AND
EXCLUDING TIME

DATE: November 27, 2024
TIME: 2:00 p.m.
COURT: Jeremy D. Peterson

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on November 22, 2024. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:


1. The date of the preliminary hearing is extended to December 18, 2024, at 2:00 p.m.

2. The time between November 27, 2024, and December 18, 2024, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A) and § 3161(h)(7)(B)(iv), Local Code T-4.

3. Defendant shall appear at that date and time before the Magistrate Judge on duty.

IT IS SO ORDERED.

Dated: November 22, 2024



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE